

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,362	03/16/2001	William M. Zintel	MSI-785US	7731

22801 7590 08/24/2004

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,362

Applicant(s)

ZINTEL ET AL.

Examiner

Mohammad O. Farooq

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-38 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 12-15, 18, 22, 23, 27, 39, 40 and 46 is/are rejected.
- 7) ☒ Claim(s) 6, 11, 16, 17, 19-21, 24-26, 28-30 and 41-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/8/04 & 9/17/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application is a continuation-in-part of U.S. Patent Application Serial No. 09/496,318, filed February 1, 2000, which is based on provisional application number 60/139,137 filed June 11, 1999, and provisional application number 60/160,235 filed October 18, 1999. This application also claims priority to provisional application number 60/190,943, filed March 21, 2000. The current status of the above applications are required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,4,5,7,8,10, 12,23,27,39,40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. U.S. Pat. No. 6,560,633 B1 in view of Davis et al. U.S. Pat. No. 6,477,566 B1.

Art Unit: 2182

3. As to claim 1, Roberts et al. teach method comprising:
creating a template using a template language written in XML syntax (col. 2, lines 44-58); and

defining, from the template, a description for self-describing (col. 4, lines 1-3).

Roberts et al. do not teach device template. Davis et al. teach device (i.e. network element) template (abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

4. As to claims 2 and 8, Roberts et al. teach method wherein the template language is derived from XML schema (abstract).

5. As to claims 4 and 10, Roberts et al. teach method further comprising storing the device description on a computer-readable medium (inherent since web services are stored in the memories of web servers; col. 5, lines 18-64; col. 6, lines 5-65).

Art Unit: 2182

6. As to claim 5, Roberts et al. teach method further comprising:

creating a service template from a template language written in XML syntax (i.e. web service application; col. 5, lines 18-64; col. 6, lines 5-65); and

defining, from the service template, a service description for a service supported by the self-describing (inherent; col. 5, lines 18-64; col. 6, lines 5-65).

Roberts et al. do not teach network device. Davis et al. teach network device (i.e. network element; abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

7. As to claim 7, Roberts et al. teach method further comprising:

creating a service template from a template language written in XML syntax (i.e. web service application; col. 5, lines 18-64; col. 6, lines 5-65); and

defining, from the service template, a service description for a service supported by the self-describing (inherent; col. 5, lines 18-64; col. 6, lines 5-65).

Roberts et al. do not teach network device. Davis et al. teach network device (i.e. network element; abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3)

Art Unit: 2182

8. As to claim 12, Roberts et al. teach method comprising:

creating a template using a template written in XML-based language (col. 2, lines 44-58); and

instantiating the template with vendor-specific information (inherent) to form a description of self-describing (col. 4, lines 1-3).

Roberts et al. do not teach device template. Davis et al. teach device (i.e. network element) template (abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

9. As to claim 23, Roberts et al. teach data structure stored on a computer-readable medium, the data structure being constructed according to an XML-based template language (col. 2, lines 44-58), the data structure comprising:

a set to describe a self-describing (col. 4, lines 1-3); and
an XML-based syntax.

Roberts et al. do not teach set of elements such that, when data structure is read by computing device, the computing device can learn about the self-describing network device. Davis et al. teach set of elements (i.e. network element) such that when data structure is read by computing device, the computing device can learn about the self-describing network device (abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al.

Art Unit: 2182

and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

10. As to claim 27, Roberts et al. teach data structure stored on a computer-readable medium, the data structure being constructed according to an XML-based template language (col. 2, lines 44-58), the data structure comprising:

a set of elements to describe a service supported by a self-describing (inherent; col. 4, lines 1-3); and

an XML-based syntax that organizes and structures the set of elements such that, when the data structure is read by a computing device, the computing device can learn about the supported by the self-describing (col. 2, lines 44-58; col. 4, lines 1-3).

Roberts et al. do not teach network device. Davis et al. teach network device (i.e. network element; abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

Art Unit: 2182

11. As to claim 39, Roberts et al. teach self-describing comprising:

a memory (inherent to store templates; fig. 1-3);

a description of the self-describing (col. 4, lines 1-3) stored in the memory (inherent), the description comprising a set of elements written in an XML syntax (col. 2, lines 44-58) to describe the self-describing; and

a processor (inherent in the system) coupled to the memory to submit the description to a remote entity.

Roberts et al. do not teach network device. Davis et al. teach network device (i.e. network element; abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

12. As to claim 40, Roberts et al. teach wherein the description data comprises a first set of elements to describe the self-describing and a second set of elements to describe a service supported by the self-describing (see fig. 11, 12 and 14).

Roberts et al. do not teach network device. Davis et al. teach network device (i.e. network element; abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

13. As to claim 46, Roberts et al. teach comprising:

storage means (inherent) for storing a description of the self-describing, the description comprising a set of elements to describe the self-describing (col. 4, lines 1-3) and an XML-based syntax (col. 2, lines 44-58) that structures the set of elements; and

responsive means (inherent) for making the description available to another computing device (see fig. 11, 12 and 14).

Roberts et al. do not teach self-describing network device such that when data structure is read by another computing device, the device can learn about the self-describing network device. Davis et al. teach self-describing network device (i.e. network element) such that when data structure is read by another computing device, the device can learn about the self-describing network device (abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

14. Claims 3,9,13-15, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. U.S. Pat. No. 6,560,633 B1 in view of Davis et al. U.S. Pat. No. 6,477,566 B1 further in view of Jain et al. U.S. Pat. No. 5,745,126.

Art Unit: 2182

15. As to claims 3,9 and 15, neither Roberts et al. nor Davis et al. teach a universal plug and play device.

Jain et al. teach a universal plug and play device (col. 17, lines 24-41). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Roberts et al. and Davis et al. with Jain et al. because that would provide answer to questions from a knowledge database for a particular data (e.g. scene; col. 8, lines 16-18).

16. As to claim 13, Roberts et al. teach method comprising storing a description of the self-describing (col. 4, lines 1-3) and an XML-based syntax (col. 2, lines 44-58).

Roberts et al. do not teach self-describing network device such that when data structure is read by computing device, the device can learn about the self-describing network device. Davis et al. teach self-describing network device (i.e. network element) such that when data structure is read by computing device, the device can learn about the self-describing network device (abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Roberts et al. and Davis et al. because that would connections capability between a plurality of ports of a network element at a same layer as each other (col. 3, line 65 – col. 4, line 3).

Neither Roberts et al. nor Davis et al. teach a universal plug and play device. Jain et al. teach a universal plug and play device (col. 17, lines 24-41). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Roberts et al. and Davis et al. with Jain et al. because that would provide answer to questions from a knowledge database for a particular data (e.g. scene; col. 8, lines 16-18).

17. As to claim 14, Roberts et al. teach method wherein the storing comprises storing the device description at the self-describing network device (inherent since web services are stored in the memories of web servers; col. 5, lines 18-64; col. 6, lines 5-65).

18. As to claim 18, Roberts et al. teach method further comprising storing a set of elements to describe at least one service supported by the self-describing network device (fig. 11, 12 and 14).

19. As to claim 22, Roberts et al. teach method wherein the storing comprises storing the description at the self-describing network device, the method further comprising storing a set of elements to describe at least one service supported by the self-describing network device at a location remote (since via internet) from the self-describing network device (inherent from fig. 11, 12 and 14).

Allowable Subject Matter


20. Claims 31-38 are allowed.

21. Claims 6,11,16,17,19-21, 24-26, 28-30 and 41-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (703) 305-3888. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mohammad O. Farooq
August 21, 2004